

House Bill 142

By: Representative Everson of the 106th

A BILL TO BE ENTITLED
AN ACT

To amend Title 40 of the Official Code of Georgia Annotated, relating motor vehicles and traffic, so as to increase the penalties for teenage drivers convicted of multiple violations of failure to use a seat safety belt; to provide for license suspension based on certain violations relating to teenage drivers' failure to use seat safety belts in passenger vehicles; to provide for a short title; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as "The Billy Foulke Seatbelt Act."

SECTION 2.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended in Article 3 of Chapter 5, relating to cancellation, suspension, and revocation of licenses, by adding a new Code section to read as follows:

"40-5-57.3.

(a) The driver's license of any person who is at least 15 years of age but less than 18 years of age at the time of the offense and who is convicted for a second or subsequent offense of violating subsection (b) of Code Section 40-8-76.1 shall be suspended as provided in this Code section. The person shall submit his or her driver's license to the court upon conviction and the court shall forward the driver's license to the department.

(b)(1) A first suspension of a driver's license under this Code section shall be for a period of three months.

(2) A second suspension of a driver's license under this Code section shall be for a period of six months.

(3) A third or subsequent suspension of a driver's license under this Code section shall be for a period of one year.

(c) After the suspension period and the person pays a restoration fee of \$60.00 or, when processed by mail, \$50.00 and, if the suspension is pursuant to paragraph (1) of subsection (b) of this Code section, the person shall submit proof of completing a department approved driver improvement program, the suspension shall terminate and the department shall return the person's driver's license to such person."

SECTION 3.

Said title is further amended by revising subsection (e) of Code Section 40-8-76.1, relating to use of safety belts in passenger vehicles, as follows:

~~"(e)(1) Except as otherwise provided in paragraphs (2) and (3) of this subsection, a~~ A person failing to comply with the requirements of subsection (b) of this Code section shall not be guilty of any criminal act and shall not be guilty of violating any ordinance. A violation of this Code section shall not be a moving traffic violation for purposes of Code Section 40-5-57.

~~(2) Except as provided in paragraph (4) of this subsection, a~~ A person failing to comply with the requirements of subsection (b) of this Code section shall be guilty of the offense of failure to wear a seat safety belt and, upon conviction thereof, may be fined not more than \$15.00; ~~but, the provisions of Chapter 11 of Title 17 and any other provision of law to the contrary notwithstanding, the costs of such prosecution shall not be taxed nor shall any additional penalty, fee, or surcharge to a fine for such offense be assessed against a person for conviction thereof. The court imposing such fine shall forward a record of the disposition of the case of failure to wear a seat safety belt to the Department of Driver Services.~~

(3) Each minor six years of age or older who is an occupant of a passenger vehicle shall, while such passenger vehicle is being operated on a public road, street, or highway of this state, be restrained by a seat safety belt approved under Federal Motor Vehicle Safety Standard 208. In any case where a minor passenger six years of age or older fails to comply with the requirements of this paragraph, the driver of the passenger vehicle shall be guilty of the offense of failure to secure a seat safety belt on a minor and, upon conviction thereof, may be fined not more than \$25.00. ~~The court imposing such a fine shall forward a record of the court disposition of the case of failure to secure a seat safety belt on a minor to the Department of Driver Services.~~

(4) Any driver who is at least 15 years of age but less than 18 years of age who fails to comply with the provisions of subsection (b) of this Code section shall be guilty of the offense of failure to wear a seat safety belt and, upon conviction thereof, shall be fined as follows:

(A) Upon a first conviction, a fine of \$25.00;

(B) Upon a second conviction, a fine of \$50.00 and one point shall be assessed against him or her;

(C) Upon a third conviction, a fine of \$75.00 and one point shall be assessed against him or her; or

(D) Upon a fourth or subsequent conviction, a fine of \$100.00 and one point shall be assessed against him or her.

(5) Notwithstanding the provisions of Chapter 11 of Title 17 and any other provision of law that imposes additional penalties, fees, or surcharges to be calculated with regard to a fine, the costs of prosecuting any case under this Code section shall not be taxed nor shall any additional penalty, fee, or surcharge to a fine for a violation of this Code section be assessed against a person convicted of violating this Code section.

(6) The court shall have continued jurisdiction over a case prosecuted under this Code section and over the defendant and may punish the defendant for contempt in a separate proceeding in the event that the defendant does not pay the full amount of any fine imposed.

(7) The court imposing a fine under this subsection shall forward a record of the disposition of the case to the Department of Driver Services."

SECTION 4.

This Act shall become effective on July 1, 2009.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.